

vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to slow speed. A vessel is not proceeding at slow speed if it is:

- (1) On a plane;
- (2) In the process of coming up on or coming off of plane; or
- (3) Creating an excessive wake.

[CDG07-03-069, 68 FR 63991, Nov. 12, 2003]

#### EIGHTH COAST GUARD DISTRICT

#### **§ 165.T08-090 Safety Zone; Lower Mississippi River, Mile Marker 88.1 to 90.4, Above Head of Passes, New Orleans, LA.**

(a) *Location.* The following area is a safety zone: the entire width of the Lower Mississippi River, Above Head of Passes, beginning at mile marker 88.1, which is the location of the lower end of the Algiers Lock fore bay, and ending at mile marker 90.4, which is the location of the Chalmette Slip and 350 yards upriver of the Belle Chasse Launch Service's West Bank Dock.

(b) *Effective dates.* This section is effective from February 16, 2004 to February 16, 2005.

(c) *Enforcement period.* This rule will be enforced only when the Carrollton gauge reads 10 feet or higher during the effective period. When the Carrollton gauge reads 10 feet or higher, this section will be enforced every Sunday from 1:45 a.m. to 3:45 a.m. and from 4:30 p.m. to 6:30 p.m. These periods of enforcement are based on the predicted cruise schedule for the C/S CONQUEST and are subject to change. The Captain of the Port New Orleans will inform the public via broadcast notice to mariners of the enforcement periods for the safety zone.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited to all people, mariners and vessels 30 minutes prior to the C/S CONQUEST's arrival at the power cables, unless authorized by the Captain of the Port New Orleans.

(2) Vessels are prohibited from anchoring in the New Orleans Emergency

Anchorage or the New Orleans General Anchorage below mile marker 90.4, which is the location of the Chalmette Slip, and 350 yards upriver of the Belle Chasse Launch Service's West Bank Dock. This prohibition is effective two hours prior to the arrival and departure of the C/S CONQUEST or until it safely passes under the power cables.

(3) Moored vessels are permitted to remain within the safety zone.

(4) The Captain of the Port New Orleans will inform the public via broadcast notice to mariners of the enforcement periods for the safety zone.

(5) Vessels requiring entry into or passage through the zone during the enforcement period must request permission from the Captain of the Port New Orleans or a designated representative. Designated representatives include the Vessel Traffic Center (VTC) and on-scene U.S. Coast Guard patrol personnel. The VTC may be contacted on VHF Channel 67 or by telephone at (504) 589-2780. On-scene U.S. Coast Guard patrol personnel may be contacted on VHF channel 67.

(6) All persons and vessels shall comply with the instructions of the Captain of the Port New Orleans, the Vessel Traffic Center, and designated on-scene U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

[COTP New Orleans-03-029, 69 FR 7369, Feb. 17, 2004]

EFFECTIVE DATE NOTE: By COTP New Orleans-03-029, 69 FR 7369, Feb. 17, 2004, § 165.T08-090 was reinstated and revised, effective from Feb. 16, 2004, to Feb. 16, 2005.

#### **§ 165.802 Lower Mississippi River, vicinity of Old River Control Structure—Safety Zone.**

(a) The area enclosed by the following boundary is a safety zone—from the Black Hawk Point Light, mile 316.1 AHP LMR to a point opposite Ft. Adams Light, mile 311.5 AHP along the low water reference plane above the right descending bank; thence to the levee on a line perpendicular to the channel centerline; thence along the levee to the upstream end of the Old River Overbank structure; thence

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along a line to the Black Hawk Point Light.

(b) Any vessel desiring to enter this safety zone must first obtain permission from the Captain of the Port, New Orleans. The resident engineer at Old River Control Structure (WUG-424) is delegated the authority to permit entry into this safety zone.

[CGD8-87-10, 53 FR 15207, Apr. 28, 1988, as amended by CGD8 89-03, 54 FR 16108, Apr. 21, 1989]

**§ 165.803 Mississippi River—regulated navigation area.**

The following is a Regulated Navigation Area—The waters of the Mississippi River between miles 88 and 240 above Head of Passes.

(a) Definitions. As used in this section:

(1) *Breakaway* means a barge that is adrift and is not under the control of a towing vessel.

(2) *COTP* means the Captain of the Port, New Orleans.

(3) *Fleet* includes one or more tiers.

(4) *Fleeting facility* means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.

(5) *Mooring barge* or *spar barge* means a barge moored to mooring devices and to which other barges may be moored.

(6) *Mooring device* includes a deadman, anchor, pile or other reliable holding apparatus.

(7) *Person in charge* includes any owner, agent, pilot, master, officer, operator, crewmember, supervisor, dispatcher or other person navigating, controlling, directing or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet or fleeting facility subject to the regulations in this section.

(8) *Tier* means barges moored interdependently in rows or groups.

(b) Waivers:

(1) The COTP may, upon written request, except as allowed in paragraph (3) of this subsection, waive any regulation in this section if it is found that the proposed operation can be conducted safely under the terms of that waiver.

(2) Each written request for a waiver must state the need for the waiver and describe the proposed operation.

(3) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the COTP. The written request for a waiver must be submitted within five working days after the oral request.

(4) The COTP may, at any time, terminate any waiver issued under this subsection.

(c) Emergencies. In an emergency, a person may depart from any regulation in this section to the extent necessary to avoid immediate danger to persons, property or the environment.

(d) Mooring: General.

(1) No person may secure a barge to trees or to other vegetation.

(2) No person may allow a barge to be moored with unraveled or frayed lines or other defective or worn mooring.

(3) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.

(4) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

(e) *Mooring to a mooring device.* (1) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device, except that from mile 127 to mile 240 a barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device.

(2) Barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device, except that from mile 127 to mile 240 barges moored in tiers may be shifted to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device.

(3) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1¼ inch. Chain or line used between the